
BZA-1821
JOHN R. BASHAM II AND CONNIE L. BASHAM
Variance

STAFF REPORT
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REQUEST MADE, PROPOSED USE, LOCATION:

Petitioners, represented by attorney Daniel Teder, are requesting a variance to allow required (or optional) parking in the front setback of a proposed multi-family structure (UZO 4-4-6(a)). The 0.559 acre site is a through lot with frontage on both South Salisbury and South River Road located south of State Street and is commonly known as 220 South Salisbury Street, West Lafayette, Wabash 20 (NW) 23-4.

AREA ZONING PATTERNS:

The site is zoned R3W as is all surrounding land. Many Planned Development zones are located further north across Wood Street.

A variance for parking in the front setback was heard in 1997 for a complex farther south on Salisbury; this request received an unfavorable recommendation from staff but was approved by the Board (BZA-1426). Other more recent multi-family developments were constructed with parking to the rear.

AREA LAND USE PATTERNS:

The site in question contains a single-family rental home on Salisbury and a second rental house on River Road. Petitioners plan to remove both of these buildings and construct an 8-unit L-shaped apartment building on Salisbury with a small parking area down the hill near River Road. Most of the lot has recently been cleared of all trees and shrubs.

Lots in all directions surrounding the site are occupied by apartment buildings. This area of West Lafayette is virtually solid multi-family residential providing an off-campus area for student living.

TRAFFIC AND TRANSPORTATION:

The existing converted home has a driveway from Salisbury but the submitted site plan shows the access to the north of its current location. The West Lafayette City Engineer's Office will have to approve this new driveway location. Salisbury Street is classified as a local road and South River Road is classified as a primary arterial in *The Thoroughfare Plan*.

The proposed development will have 8 apartments with 32 total bedrooms. Parking requirements in the R3W zone (and University Proximate) are based on unit size.

Because the proposed units are over 825 sq. ft. in area (Type A units) a total of 24 parking spaces are required. The site plan shows 28 spaces. Of these 28, four are shown within the required front setback on Salisbury.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

City utilities will serve the site and no buffering is required.

STAFF COMMENTS:

When staff reviewed the original request it was discovered that the proposed 7 units on .44 acres would exceed the maximum density allowed in an R3W zone. Petitioners have now attached an adjoining piece of land to the east by Exemption E; the current proposal is for 8 units on .559 acres. The land that was added currently contains a rental house that will be demolished before the Certificate of Occupancy is issued for the new apartment building (because only one primary use building is permitted per lot). In place of this home petitioners will build a parking lot with 9 spaces connected to the proposed apartment building by a proposed staircase- bringing the total amount of provided parking to 28 spaces.. The intervening land between the proposed apartment building and the new parking lot is steeply sloped and wooded. Petitioners have indicated that many of the trees will be saved.

The zoning ordinance requires developments in residential zones (with the exception of daycares and home occupations) to have neither the required nor optional parking within the minimum standard front setback. While 3 older developments directly south of the site in question have parking in the front setback all other newer developments, particularly on the west side of Salisbury, have parking behind the buildings. Staff has encouraged this style of development for many years so that the streetscape of our urban neighborhoods would not be dominated by parking lots.

Petitioners' lot, while a through lot with frontage on both Salisbury and South River Road, only has one front setback. The ordinance stipulates the frontage with the lower street classification (Salisbury in this case) is determined to be the front setback. The 60' setback from South River Road is actually a rear setback and has no prohibition against parking.

Petitioners' claim that the severe slope at the rear of the lot would prohibit parking; however the site plan indicates a two-story building would be built at the rear setback line. If the site can be engineered to support a building on the slope then there is no doubt that it could be redesigned to accommodate additional parking behind the building where it is not only encouraged, but required. The 24 parking spaces required by the ordinance can be provided with the additional parking spaces near South River Road and without encroaching into the front setback, making this variance request unnecessary.

Regarding the ballot items:

1. The Area Plan Commission at its meeting on April 20, 2011 determined that the variance requested **IS NOT** a use variance.

And it is staff's opinion that:

2. Granting this variance **WILL NOT** be injurious to the public health, safety, and general welfare of the community. The required number of parking spaces is shown on the submitted site plan outside of the front setback of Salisbury.
3. Use and value of the area adjacent to the property included in the variance request **WILL** be affected in a substantially adverse manner, because parking, rather than a building front will be the streetscape presented by the situation.
4. The terms of the zoning ordinance are being applied to a situation that **IS** common to other properties in the same zoning district. The site could be redesigned or the project downsized to eliminate the need for parking in the front setback. In fact, petitioners are proposing 4 additional spaces above what is required by the UZO. The site itself lacks any peculiarities that require relief from the ordinance's requirements.
5. Strict application of the terms of the zoning ordinance **WILL NOT** result in an unusual or unnecessary hardship as defined in the zoning ordinance because the ordinance required parking is shown in complying locations; it is only petitioners' desire to add 4 additional spaces in the required front setback that is prompting this variance request. Additionally, while the rear of the lot slopes, the site could be redesigned in reverse with the parking lot in the rear of the lot and the building constructed at the required front setback.

Note: Questions 5a. and 5b. need only be answered if a hardship is found in Question 5 above.

5a. The hardship involved **IS** self-imposed or solely based on a perceived reduction of or restriction on economic gain. It is both petitioners' desire to have four extra parking spaces and the submitted design of the project that causes a difficulty, not the site.

5b. The variance sought **DOES NOT** provide only the minimum relief needed to alleviate the hardship because the site can meet ordinance parking requirements without any variance.

STAFF RECOMMENDATION:

Denial